

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 12438 of 2007(E)

PETITIONER:

K.M.ASIF, S/O.ISMAIL,
KARIMBANAKKAL HOUSE, THRIKKAIPETTA,
MEPPADI, WAYANAD DISTRICT.

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENTS:

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1. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, MALAPPURAM.
 2. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.12438 of 2007-E

Dated this the 11th day of April, 2007

JUDGMENT

The petitioner is aggrieved by Ext.P1 time schedule granted to his vehicle operating on the route Pookottumpadam-Mamenkara. He filed Ext.P2 representation before the Secretary, R.T.A, Malappuram, to modify the said time schedule. But, it was not entertained. So, he filed M.V.A.R.P.347 of 2006 before the S.T.A.T. challenging Ext.P1. The Tribunal dismissed the application for condonation of delay, by Ext.P6 order on the ground that the delay was not properly explained. In view of the said order, the revision petition itself was dismissed, by Ext.P7. This writ petition is filed challenging Exts.P1, P6 and P7. Ext.P6 is an order passed in the discretion of the authority, having regard to the facts of the case. The said order cannot be said to be perverse warranting interference by this court. If Ext.P6 is valid, then Ext.P7 is also to be upheld. The consequence is that the challenge against Ext.P1 also fails. But, more than one year has elapsed after the issuance of Ext.P1. If, owing to change of circumstances the issuance of additional permits covering the petitioner's time schedule in part, the petitioner may move for modification of Ext.P1, afresh, before the Secretary, R.T.A. In that event, the first respondent shall consider and pass orders, in accordance with law, uninfluenced by Ext.P6 or Ext.P7.

Subject to the above observation, the Writ Petition is dismissed.

MS

K.BALAKRISHNAN NAIR, JUDGE.